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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,238	06/22/1998	KENICHI KUBO	B208-967	1575

26272 7590 03/25/2004

ROBIN BLECKER & DALEY
2ND FLOOR
330 MADISON AVENUE
NEW YORK, NY 10017

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/25/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/102,238

Applicant(s)

KUBO ET AL.

Examiner

John M. Villecco

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 11, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 8, 10, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 1, 2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 8, 10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (Japanese Publ. No. 08-023469 A) in view of Murakami et al. (U.S. Patent No. 5,408,332).**

4. Regarding *claim 8*, Yoshikawa discloses an encoder (1) which outputs the angle of rotation of the focal position demand, a focus command signal arithmetic circuit (4) for converting the rotating amount of the encoder (1) into an amount of variation of the control data of a position of a lens, and a focus sensitivity changeover switch (3) for changing a conversion characteristic mode of the conversion means. See the abstract. One of the problems that the

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invention is trying to solve is the shifting of the focal position when the command voltage is changed from one sensitivity to the other (see paragraph 0006). In other words, the invention is trying to not move the focal position of the lens at a time of sensitivity change-over. It does this by providing various ranges over which to drive the lens. The effect of the invention is to eliminate the location gap of the focal lens during a time of switching a focal sensitivity.

Yoshikawa, however, fails to explicitly disclose that a restriction of the rotary member is abolished. This phrase is extremely vague and it appears that the applicant is trying to disclose that the rotary member is endlessly rotateable and that the angle of rotation of the encoder is not indicative of the control voltage. Murakami, on the other hand, discloses that it is well known in the art to manipulate a focusing lens using an endlessly rotateable rotary member. As disclosed in the abstract, the rotary member (26) is endlessly rotateable. Endlessly rotateable controls allow a greater degree of freedom during the operation of the focusing apparatus by not having a limit to which the rotary member can be rotated. Therefore, it would have been obvious to one of ordinary skill in the art to include endlessly rotateable controls in the device of Yoshikawa so that the user can have greater freedom when manipulating the focusing lens.

5. As for *claim 10*, Yoshikawa discloses lens used in a camera.

6. With regard to *claim 12*, Yoshikawa discloses an encoder (1) which outputs the angle of rotation of the focal position demand, a focus command signal arithmetic circuit (4) for converting the rotating amount of the encoder (1) into an amount of variation of the control data of a position of a lens, and a focus sensitivity changeover switch (3) for changing a conversion characteristic mode of the conversion means. See the abstract. One of the problems that the invention is trying to solve is the shifting of the focal position when the command voltage is

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changed from on sensitivity to the other (see paragraph 0006). In other words, the invention is trying to not move the focal position of the lens at a time of sensitivity changeover. It does this by providing various ranges over which to drive the lens. The effect of the invention is to eliminate the location gap of the focal lens during a time of switching a focal sensitivity. The lens is incorporated in a television camera.

Yoshikawa, however, fails to explicitly disclose that a restriction of the rotary member is abolished. This phrase is extremely vague and it appears that the applicant is trying to disclose that the rotary member is endlessly rotateable and that the angle of rotation of the encoder is not indicative of the control voltage. Murakami, on the other hand, discloses that it is well known in the art to manipulate a focusing lens using an endlessly rotateable rotary member. As disclose in the abstract, the rotary member (26) is endlessly rotateable. Endlessly rotateable controls allow a greater degree of freedom during the operation of the focusing apparatus by not having a limit to which the rotary member can be rotated. Therefore, it would have been obvious to one of ordinary skill in the art to include endlessly rotateable controls in the device of Yoshikawa so that the user can have greater freedom when manipulating the focusing lens.

7. Regarding *claim 14*, Yoshikawa discloses an encoder (1) which outputs the angle of rotation of the focal position demand, a focus command signal arithmetic circuit (4) for converting the rotating amount of the encoder (1) into an amount of variation of the control data of a position of a lens, and a focus sensitivity changeover switch (3) for changing a conversion characteristic mode of the conversion means. See the abstract. One of the problems that the invention is trying to solve is the shifting of the focal position when the command voltage is changed from on sensitivity to the other (see paragraph 0006). In other words, the invention is

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trying to not move the focal position of the lens at a time of sensitivity changeover. It does this by providing various ranges over which to drive the lens. The effect of the invention is to eliminate the location gap of the focal lens during a time of switching a focal sensitivity. The camera lens is incorporated in a television camera.

Yoshikawa, however, fails to explicitly disclose that a restriction of the rotary member is abolished. This phrase is extremely vague and it appears that the applicant is trying to disclose that the rotary member is endlessly rotateable and that the angle of rotation of the encoder is not indicative of the control voltage. Murakami, on the other hand, discloses that it is well known in the art to manipulate a focusing lens using an endlessly rotateable rotary member. As disclose in the abstract, the rotary member (26) is endlessly rotateable. Endlessly rotateable controls allow a greater degree of freedom during the operation of the focusing apparatus by not having a limit to which the rotary member can be rotated. Therefore, it would have been obvious to one of ordinary skill in the art to include endlessly rotateable controls in the device of Yoshikawa so that the user can have greater freedom when manipulating the focusing lens.

Allowable Subject Matter

8. **Claims 9, 11, 13, and 15 are allowed.**

Regarding *claims 9, 13, and 15*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest correcting the reference data of the amount of variation of conversion characteristic mode when a different mode is detected based on the control data of the previous sampling.

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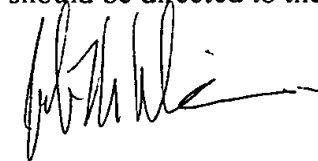
(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



John M. Villecco
3/18/04



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600